

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

★ JUL 10 2013 ★

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WALTER LEE ANDERSON, et al.,

LONG ISLAND OFFICE

Plaintiffs,

-against-

ORDER
11-CV-5663 (SJF)(WDW)

MICHAEL SPOSATO, individually and
in his official capacity as Nassau County
Sheriff, et al.,

Defendants.

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FEUERSTEIN, District Judge

By Order dated May 29, 2013, Duane Costa ("Costa") and Anthony Miola ("Miola") were each ordered to serve and file an affidavit on or before June 17, 2013 providing the Court with a new address and telephone number at which he can be contacted after mail sent to those plaintiffs was returned to the Court as undeliverable. With respect to Miola, the mail that had been returned as undeliverable on May 8, 2013 had been mailed by the Clerk of the Court on April 25, 2013 to his then-current address of record at the Adirondack Correctional Facility, P.O. Box 110, Raybrook, New York 12977-0110. On April 24, 2013, Miola filed a change of address form providing a new address in Mineola, New York, effective April 26, 2013. (Doc. No. 564). No other mail sent to Miola since April 25, 2013 has been returned to the Court as undeliverable. Thus, it appears that Miola has complied with his obligation to keep the Court and parties apprised of his current contact information.

Costa, however, has not complied with the May 29, 2013 order and all mail sent to his address of record is repeatedly returned to the Court as undeliverable. Although the May 29, 2013 order advised Costa that his failure to comply therewith would result in his claims being dismissed in their entirety with prejudice pursuant to Rules 37(b)(2)(a)(v) and 41(b) of the Federal Rules of Civil Procedure, he has not complied with the order of the Court, moved for an extension of time to comply with the order or taken any other steps to prosecute his claims. Accordingly, the claims of Duane Costa are dismissed in their entirety with prejudice.

Pursuant to Rule 77(d)(1) of the Federal Rules of Civil Procedure, the Clerk of the Court is directed to serve notice of entry of this order upon all current parties to the consolidated action in accordance with Rule 5(b) of the Federal Rules of Civil Procedure, including mailing a copy of this order to each plaintiff's address of record pursuant to Rule 5(b)(C) and leaving a copy of this order with the Clerk of the Court pursuant to Rule 5(b)(2)(D).

SO ORDERED.

s/ Sandra J. Feuerstein

Sandra J. Feuerstein
United States District Judge

Dated: July 10, 2013
Central Islip, New York